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**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

- 1-17. (Cancelled)
18. (Currently amended) A method for stabilizing an intervertebral joint between adjacent first and second vertebral bodies of a patient from a posterior approach using an instrument guide, the instrument guide including a tube having a longitudinal axis passing through a lumen of said tube at least partially surrounded by a wall having a distal edge, said distal edge having an non-zero angle of about 10° to about 45° relative to a reference line perpendicular to said longitudinal axis, the method comprising:
- forming an implant bore between said adjacent first and second vertebral bodies by passing a drill through the instrument guide;
  - inserting an intervertebral implant having a longitudinal axis into said implant bore, wherein the longitudinal axis of the implant is at an angle of about 10° to about 45° from a sagittal plane of the patient; and
  - mounting external stabilization to said first and second vertebral bodies.
19. (Original) The method according to claim 18 wherein said tube further includes at least one paddle extending from said distal edge of said wall.
- 20-27. (Cancelled)
28. (Currently amended) An instrument guide for guiding surgical instruments, the instrument guide comprising:

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- a tube having a longitudinal axis passing through a lumen of said tube, said lumen at least partially surrounded by a wall, said wall having a proximal end and a distal end;
  - said distal end of said wall having distal edge, said distal edge having an angle of about 10° to about 45° relative to a reference line perpendicular to said longitudinal axis and adapted to rest against, and in substantial contact with, a posterior surface of a human vertebra; and
  - at least one paddle extending from said distal edge of said wall.
29. (Original) The instrument guide according to claim 28 wherein said lumen is surrounded by said wall.
30. (Original) The instrument guide according to claim 28 comprising first and second diametrically opposed paddles.
31. (Original) The instrument guide according to claim 28 wherein each of said at least one paddles include a tapered distal end.
32. (Original) The instrument guide according to claim 28 wherein said lumen is sized to receive a distraction plug.
33. (Previously presented) The instrument guide according to claim 28 wherein said distal edge has an angle of about 22° relative to a reference line perpendicular to said longitudinal axis.
34. (Original) The instrument guide according to claim 28 having a proximal end including an adjustable stop to affirmatively stop distal advancement of instruments passed through said instrument guide.

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35. (Currently amended) An instrument guide for guiding surgical instruments, the instrument guide comprising:
- a tube having a longitudinal axis passing through a lumen of said tube, said lumen at least partially surrounded by a wall, said wall having a proximal end and a distal end;
  - said distal end of said wall having a distal edge, said distal edge having an angle of about 10° to about 45° relative to a reference line perpendicular to said longitudinal axis and adapted to rest against, and in substantial contact with, a posterior surface of a human vertebra; and
  - a first and a second paddle extending from said distal edge of said wall, said first and second paddles being diametrically opposed.
36. (Currently amended) An instrument guide for guiding surgical instruments, the instrument guide comprising:
- a tube having a longitudinal axis passing through a lumen of said tube, said lumen sized to receive a distraction plug and at least partially surrounded by a wall, said wall having a proximal end and a distal end;
  - said distal end of said wall having a distal edge, said distal edge having an angle of about 22° relative to a reference line perpendicular to said longitudinal axis and adapted to rest against, and in substantial contact with, a posterior surface of a human vertebra; and
  - a first and a second paddle extending from said distal edge of said wall, said first and second paddles being diametrically opposed.
37. (Currently amended) A kit for preparing an implant site for receiving an implant between adjacent first and second vertebrae, the kit comprising:
- an instrument guide, said instrument guide comprising:

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- (i) a tube having a longitudinal axis passing through a lumen of said tube, said lumen at least partially surrounded by a wall, said wall having a proximal end and a distal end;
  - (ii) said distal end of said wall having a distal edge, said distal edge having an angle of about 10° to about 45° relative to a reference line perpendicular to said longitudinal axis and adapted to rest against, and in substantial contact with, a posterior surface of a human vertebra; and
  - (iii) at least one paddle extending from said distal edge of said wall; and
- a distractor.
38. (Previously presented) The kit according to claim 37 wherein said distal edge of said instrument guide has an angle of about 22° relative to a reference line perpendicular to said longitudinal axis.
39. (Original) The kit according to claim 37 wherein said distractor is a distracting plug.
40. (Original) The kit according to claims 37 wherein said distractor is a wedge distractor.
41. (Original) The kit according to claim 37 further comprising a boring tool.
42. (Original) The kit according to claim 37 further comprising an external vertebral stabilization device.
43. (Original) The kit according to claim 42 wherein the external vertebral stabilization device comprises two or more pedicle screws and at least one rod.
44. (Currently amended) A kit for preparing an implant site for receiving an implant between adjacent first and second vertebrae, the kit comprising:

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- an instrument guide, said instrument guide comprising:
    - (i) a tube having a longitudinal axis passing through a lumen of said tube, said lumen at least partially surrounded by a wall, said wall having a proximal end and a distal end;
    - (ii) said distal end of said wall having a distal edge, said distal edge having an angle of about 10° to about 45° relative to a reference line perpendicular to said longitudinal axis and adapted to rest against, and in substantial contact with, a posterior surface of a human vertebra; and
    - (iii) at least one paddle extending from said distal edge of said wall;
  - a distracting plug; and
  - an external vertebral stabilization device.
45. (Previously presented) The kit according to claim 44 wherein said distal edge of said instrument guide has an angle of about 22° relative to a reference line perpendicular to said longitudinal axis.
46. (Original) The kit according to claim 44 further comprising a boring tool.
47. (Original) The kit according to claim 44 wherein the external vertebral stabilization device comprises two or more pedicle screws and at least one rod.
48. (Currently amended) A kit for preparing an implant site for receiving an implant between adjacent first and second vertebrae, the kit comprising:
- an instrument guide, said instrument guide comprising:
    - (i) a tube having a longitudinal axis passing through a lumen of said tube, said lumen at least partially surrounded by a wall, said wall having a proximal end and a distal end;
    - (ii) said distal end of said wall having a distal edge, said distal edge having an angle of about 22° relative to a reference line perpendicular to said

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- longitudinal axis and adapted to rest against, and in substantial contact with, a posterior surface of a human vertebra; and
- (iii) at least one paddle extending from said distal edge of said wall;
  - a distracting plug; and
  - an external vertebral stabilization device comprising two or more pedicle screws and at least one rod.
49. (Original) The kit according to claim 48 further comprising a boring tool.
50. (Currently amended) A kit for preparing an implant site for receiving an implant between adjacent first and second vertebrae, the kit comprising:
- an instrument guide, said instrument guide comprising:
    - (i) a tube having a longitudinal axis passing through a lumen of said tube, said lumen at least partially surrounded by a wall, said wall having a proximal end and a distal end;
    - (ii) said distal end of said wall having a distal edge, said distal edge having an angle of about 10° to about 45° relative to a reference line perpendicular to said longitudinal axis and adapted to rest against, and in substantial contact with, a posterior surface of a human vertebra; and
    - (iii) at least one paddle extending from said distal edge of said wall; and
  - an external vertebral stabilization device.
51. (Previously presented) The kit according to claim 50 wherein said distal edge of said instrument guide has an angle of about 22° relative to a reference line perpendicular to said longitudinal axis.
52. (Original) The kit according to claim 50 further comprising a distractor.
53. (Original) The kit according to claim 52 wherein said distractor is a distracting plug.

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54. (Original) The kit according to claims 52 wherein said distractor is a wedge distractor.
55. (Original) The kit according to claim 50 further comprising a boring tool.
56. (Original) The kit according to claim 50 wherein said external vertebral stabilization device comprises two or more pedicle screws and at least one rod.
57. (Currently amended) A kit for preparing an implant site for receiving an implant between adjacent first and second vertebrae, the kit comprising:
- an instrument guide, said instrument guide comprising:
    - (i) a tube having a longitudinal axis passing through a lumen of said tube, said lumen at least partially surrounded by a wall, said wall having a proximal end and a distal end;
    - (ii) said distal end of said wall having a distal edge, said distal edge having an angle of about 10° to about 45° relative to a reference line perpendicular to said longitudinal axis and adapted to rest against, and in substantial contact with, a posterior surface of a human vertebra; and
    - (iii) at least one paddle extending from said distal edge of said wall; and
  - an external vertebral stabilization device comprising two or more pedicle screws and at least one rod.
58. (Previously presented) The kit according to claim 57 wherein said distal edge of said instrument guide has an angle of about 22° relative to a reference line perpendicular to said longitudinal axis.
59. (Original) The kit according to claim 57 further comprising a distractor.

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60. (Original) The kit according to claim 59 wherein said distractor is a distracting plug.
61. (Original) The kit according to claims 59 wherein said distractor is a wedge distractor.
62. (Original) The kit according to claim 57 further comprising a boring tool.
63. (Currently amended) A kit for preparing an implant site for receiving an implant between adjacent first and second vertebrae, the kit comprising:
- an instrument guide, said instrument guide comprising:
    - (i) a tube having a longitudinal axis passing through a lumen of said tube, said lumen at least partially surrounded by a wall, said wall having a proximal end and a distal end;
    - (ii) said distal end of said wall having a distal edge, said distal edge having an angle of about 22° relative to a reference line perpendicular to said longitudinal axis and adapted to rest against, and in substantial contact with, a posterior surface of a human vertebra; and
    - (iii) at least one paddle extending from said distal edge of said wall;
  - a distractor; and
  - an external vertebral stabilization device comprising two or more pedicle screws and at least one rod.
64. (Original) The kit according to claim 63 wherein said distractor is a distracting plug.
65. (Original) The kit according to claims 63 wherein said distractor is a wedge distractor.
66. (Original) The kit according to claim 63 further comprising a boring tool.



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67. (Currently amended) An instrument guide for guiding surgical instruments comprising:
- a tube having a longitudinal axis passing through a lumen of said tube, said lumen at least partially surrounded by a wall, said wall having a proximal end and a distal end;
- said distal end including a distal edge, the distal edge including angled shoulder portions positioned at top and bottom sides of the tube, said angled shoulder portions angled about 10° to about 45° relative to a reference plane perpendicular to said longitudinal axis and adapted to rest against, and in substantial contact with, a posterior surface of a human vertebra; and
  - a first paddle having a length that extends beyond said angled shoulder portions in the distal direction and a height that extends between the angled shoulder portions, the height of the paddle being less than a maximum height defined between the angled shoulder portions.
68. (Previously presented) The instrument guide for guiding surgical instruments according to claim 67, further comprising a second paddle opposite said first paddle, such that said angled shoulder portion extends therebetween.
69. (Previously presented) An instrument guide for guiding surgical instruments comprising:
- a tube having a longitudinal axis passing through a lumen of said tube, said lumen at least partially surrounded by a wall, said wall having a proximal end and a distal end;
- said distal end including a distal edge, the distal edge including a first angled portion, configured such that from a top view of the instrument guide said first angled portion is about 10° to about 45° relative to a reference plane perpendicular to said longitudinal axis, said first angled portion being adapted to rest against, and in substantial contact with, a posterior surface of a human vertebra; and

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- said distal end including a first paddle extending beyond said angle portion in the distal direction, said paddle configured such that from a side view of the instrument guide the angled portion protrudes outwardly from the paddle.
70. (Previously presented) The instrument guide for guiding surgical instruments according to claim 69, further comprising a second angled portion opposite said first angled portion and a second paddle opposite said first paddle.
71. (New) A surgical instrument guide for performing surgery on vertebrae of a patient, the guide comprising:
- a tube having a lumen and a longitudinal axis passing through the lumen, the lumen at least partially surrounded by a wall, the wall having a proximal end and a distal end;
  - the distal end of the wall having distal edge adapted to rest against, and in substantial contact with, a posterior surface of a human vertebra when the longitudinal axis is aligned at a non-zero angle from a sagittal plane of the patient; and
  - at least one paddle extending from the distal edge of the wall.
72. (New) The instrument guide of claim 71, wherein the non-zero angle is about 10° to about 45°.
73. (New) The instrument guide of claim 72, wherein the non-zero angle is about 22°.
74. (New) The instrument guide of claim 71, wherein the distal edge is oriented to be substantially parallel to a coronal plane when the longitudinal axis is aligned at a non-zero angle from a sagittal plane of the patient.

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75. (New) The instrument guide of claim 72, wherein the distal edge form and angle of about  $10^{\circ}$  to about  $45^{\circ}$  from a reference plane perpendicular to the longitudinal axis of the guide.

76. (New) A surgical instrument set for inserting an implant between two adjacent vertebrae of a patient, the set comprising:

an instrument guide comprising:

a tube having a lumen and a longitudinal axis passing through the lumen, the lumen at least partially surrounded by a wall, the wall having a proximal end and a distal end, the distal end having a distal edge form a non-zero angle relative to a reference plane perpendicular to the longitudinal axis of the guide, and

at least one paddle extending from the distal edge of the wall; and  
an elongated cutter adapted to move inside the instrument guide along the longitudinal axis of the guide and create an implant bore between the vertebrae,

wherein, with to the distal edge of the guide resting against, and in substantial contact with, a posterior surface of at least one of the vertebrae, the guide and the cutter are adapted to form the implant bore with a longitudinal axis of the bore neither substantially parallel nor substantially perpendicular to a sagittal plane of the patient.

77. (New) The instrument set of claim 76, wherein the guide and the cutter are adapted to form the implant bore with a longitudinal axis of the bore at an angle of about  $10^{\circ}$  to about  $45^{\circ}$  to a sagittal plane of the patient.